

750

Administration of Justice

Budget function 750 covers programs that provide judicial services, law enforcement, and prison operation. The Federal Bureau of Investigation, the Customs Service, the Drug Enforcement Administration, and the federal court system are all supported under this function. CBO estimates that discretionary outlays for function 750 will total \$29.3 billion in 2001. Since 1990, this function has experienced steady and often significant annual increases in outlays, reflecting continued concern about drug-related and other crime. Outlays in 2001 will be approximately triple the 1990 level.

Federal Spending, Fiscal Years 1990-2001 (In billions of dollars)

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	Estimate 2001
Budget Authority (Discretionary)	12.4	12.7	14.3	14.6	15.2	18.3	20.7	22.9	24.8	26.5	27.0	29.9
Outlays												
Discretionary	10.1	11.9	14.0	14.7	15.0	16.2	17.6	20.1	22.2	25.0	27.0	29.3
Mandatory	<u>-0.1</u>	<u>-0.3</u>	<u>-0.4</u>	<u>-0.3</u>	<u>-0.2</u>	<u>-0.1</u>	<u>0</u>	<u>-0.1</u>	<u>-0.7</u>	<u>-0.9</u>	<u>-1.0</u>	<u>-0.7</u>
Total	10.0	12.3	14.4	15.0	15.3	16.2	17.5	20.2	22.8	25.9	28.0	30.0
Memorandum:												
Annual Percentage Change in Discretionary Outlays		18.3	17.2	4.8	2.6	7.5	8.9	14.3	10.2	12.8	8.1	8.4

750-01 Eliminate Funding for Drug Interdiction and International Antidrug Activities

Savings (Millions of dollars)		
	Budget	Outlays
Relative to Current Appropriations		
2002	2,575	1,681
2003	2,575	2,260
2004	2,575	2,465
2005	2,575	2,527
2006	2,575	2,543
2002-2006	12,873	11,476
2002-2011	25,745	24,324
Relative to Inflated Appropriations		
2002	2,703	1,730
2003	2,766	2,363
2004	2,831	2,629
2005	2,896	2,763
2006	2,961	2,847
2002-2006	14,156	12,333
2002-2011	30,023	27,804

SPENDING CATEGORY:

Discretionary

RELATED OPTIONS:

750-02 and 800-05

The federal government—including both civilian agencies and the Department of Defense—currently spends roughly \$18 billion a year to control illegal drugs. Of that amount, approximately \$3 billion goes for efforts to prevent drugs from entering the United States. Approximately two-fifths of that \$3 billion for interdiction and international activities is allocated under the administration of justice budget function. Another one-fourth is allocated to defense-related efforts. (The remainder is split between the budget functions for transportation and international affairs.) Eliminating funds for drug interdiction and international activities would save, over the 2002-2011 period, \$24.3 billion relative to the 2001 funding level and \$27.8 billion relative to that level adjusted for inflation.

Critics of the funding claim that interdiction and international activities are both more costly and less effective than other antidrug efforts, that no clear proof of their efficacy exists, and that the federal government could drastically reduce the resources devoted to such activities without affecting drug use over the long term. In fact, some sources show that illicit drugs are less expensive and more readily available now than they were before the federal government began trying to control them. According to some research, interdiction and international activities do not reduce the demand for drugs and have less impact on the price that users pay than state and locally funded efforts do. Although interdiction and international activities increase producers' costs, those costs are only a small part of the charges to users. The bulk of those charges are added in the later stages of processing and delivery. (Of course, state and local efforts also face several obstacles: competition among producers and distributors, the large markup from wholesale to retail prices, and the ability of distributors to dilute the drugs to maintain an end price that customers can afford.)

Proponents argue that a variety of reasons exist to support interdiction and international activities. Notable successes, including the destruction of major drug trafficking organizations and the large quantities of illegal drugs seized or destroyed, contradict claims of ineffectiveness. In fact, supporters of interdiction and international activities argue, street prices would have been much lower, and the availability of drugs much greater, without extensive funding for those activities. Moreover, if the goal of the federal government is to control, and not simply to reduce, the use of illegal drugs, some effort to decrease the flow of drugs into the country will be necessary. Proponents of antidrug activities argue that given the unacceptably high level of drug use, the government should reform allegedly ineffective programs rather than eliminate them. Finally, in cases in which antidrug activities are integrated with other functions of an agency, cutting back funding for interdiction and international efforts would also disrupt those related activities.

750-02 Reduce Funding for Justice Assistance and Certain Justice-Related Activities

Savings (Millions of dollars)		
Budget		
	Authority	Outlays
Relative to Current Appropriations		
2002	1,193	410
2003	1,260	826
2004	1,260	1,133
2005	1,260	1,260
2006	1,260	1,260
2002-2006	6,233	4,889
2002-2011	12,533	11,189
Relative to Inflated Appropriations		
2002	1,220	420
2003	1,314	854
2004	1,339	1,183
2005	1,365	1,337
2006	1,392	1,364
2002-2006	6,630	5,158
2002-2011	13,999	12,380
SPENDING CATEGORY:		
Discretionary		
RELATED OPTIONS:		
750-01 and 800-05		

In addition to the law enforcement activities that the Department of Justice carries out directly, it and related government entities provide various types of law enforcement or legal assistance to individuals, community organizations, and state and local law enforcement agencies. That assistance, which will amount to about \$5 billion in 2001, often takes the form of financial grants to support research, training, and other programs.

This option would consolidate and reform justice assistance programs and reduce the amount spent on them by 20 percent. It would also terminate the Legal Services Corporation and the State Justice Institute. Those cuts can, of course, be considered separately. Taken together, they would save, over the 2002-2011 period, \$11.2 billion relative to the 2001 funding level and \$12.4 billion relative to that level adjusted for inflation.

The major criticisms of the justice assistance programs are that they do not respond to local concerns and priorities and that they often address problems that are not federal responsibilities. Consolidating grant programs would yield administrative savings, and switching from categorical to block grants would allow grant recipients to focus their efforts on the areas of greatest local need. Similar arguments apply to the Legal Services Corporation, which provides legal assistance to the poor in civil matters. Critics contend that responsibility for such assistance more properly lies with state and local governments. Some critics also charge that the activities of Legal Services lawyers tend to focus on advancing social causes rather than on helping poor people with routine legal problems. (The Congress modified the Legal Services Corporation in 1996, restricting the types of cases and clients it could represent by, for example, prohibiting the corporation's lawyers from representing plaintiffs in class-action suits.) The State Justice Institute, which makes grants for research on criminal justice matters, likewise faces questions of responsibility and jurisdiction. The criticisms leveled against the institute are that much of the research it sponsors is similar to research conducted elsewhere and that in neglecting to publicize its research or cooperate with the courts in instituting reforms and new ideas, it does too little to affect the states' actual administration of justice.

Supporters of funding for justice assistance argue that it is merited on practical grounds. The categorical grant system, they maintain, is working as intended: in certain cases, the problems the grants address have a national scope but might be ignored by states without the incentive of federal funds. Reduced federal spending would, moreover, disproportionately affect those state-run programs that depend heavily on federal funding, such as juvenile justice programs. In defending the Legal Services Corporation and the State Justice Institute, supporters argue that the federal government has an obligation to provide assistance in areas with scarce support from state and private sources.